

THE RIGHTS of the CITY

Farther unfolded :

AND

The Manifold Miscarriages of

My Lord Mayor,

As well as the Punishments he hath rendred himself obnoxious unto, for his Misbehaviour in relation to the present Election of

SHERIFFS,

Display'd and laid Open.

WHILE either unthinking and deluded men, or persons enraged against our Religion and Civil Rights, persevere in their endeavours to deprive and rob us of our Birth-rights and Privileges, if not by fraud and trick, yet by direct Violence and open Usurpation; we hope that we shall not only be connived at and allowed, but justified and applauded, in continuing to Assert and Vindicate what we enjoy by an entail from our Ancestors, and possess by the Patents and Charters of our most Renowned and Victorious Princes. Nor have we any thing more to bewail, than that we are called to conflict with Enemies who have neither Sense, Truth, nor Generosity; so that without great Conduct, we should be either obliged to what an ordinary mind esteems a Drudgery, namely, the daily baffling and exposing them; or else we must spend our pains in alarming the City concerning our Dangers, and in raising the Inhabitants to Vigilance against Treachery and Force. But as we shall decline the last, as being apprehensive that it will be misconstrued by ill men; so they themselves prevent us in the first, seeing their own Actions render them more base and ridiculous, than the strongest reason, clothed with the best words, is capable of making them. And were their Antickness and Legerdemain calculated for any thing less than the Destruction of our Rights and Properties, we should look upon them as a Company of Creatures raised up merely for our sport and diversion.

The Office of a Sheriff of *London*, is of all other, a Trust of the greatest weight and importance. For besides their having the power over the *posse of London and Middlesex*, and the Right of returning Juries both in Capital and Civil Causes; not only all Offenders, but all Debtors are committed to their Custody, and they are the persons who are to answer for them. So that upon their Fidelity depends both our Lives and Estates, in more ways than is now convenient to insist upon and deduce. Only the late endeavours to have obtained the present Sheriffs to have parted with the present Convicted Priests in *Newgate*, and the prank of the Warden of the *Fleet* some years ago, in conspiring with his Prisoners to run away, and leave their Creditors in the lurch, may give us some imperfect *Idea*, and dark Umbrage of it.

Yea the Sherivalty is the first step towards advancement in the Government over the City; and a miscarriage in the choice of such an Officer, is like a failure in the first *concoction*, not to be afterwards remedied. And had not the Free-men more regarded mens Estates than their Wisdom and Intellectual capacities in the Election of some former Sheriffs, we should not now have occasion to complain of a Bench, when near the greatest part can only Vote as they are prompted, but are not able to manage a Debate, nor comprehend the meanest thing which comes before them. For whereas the Law provides that they who were to be chosen Sheriffs, should be of the *more able, most discreet, and the fittest for the Government of so great a People*; We through supineness and inadvertency have too too often put the *White-Staff* into the hands of some, that a man of Understanding would not bestow half an hour in their Conversation, if his business and Interest did not indispensably require it.

Nor is any person qualified for being Sheriff of *London*, that hath not both lived in it for some considerable time, and past through the inferior Offices, either by way of Service or Fine, and that accompanied with a strict and diligent observation of the Duties of those lesser Offices. For as it is not otherwise possible that a person should know the Customs and Usages of the City, as he ought to do, that is to be Elected Sheriff; so he is not likely to demean himself acceptably in so high a Station, who hath neither learn'd to obey as a private Citizen, nor been train'd up to Magistracy by an Apprenticeship in the more servile Employments.

And as it hath been already demonstrated, that the Right of Electing Sheriffs belongs by Charter, Law and Prescription to the Free-men, so our Ancestors have been in nothing more careful than that all Elections should be managed with Freedom, without either fraud, force or menace. Hence our Parliaments which are the Epitome of the Wisdom of the Nation as well as the Representatives of the Kingdom, have not only frequently declared against the Kings and great mens Letters when made use of to influence Elections, but even all the Acts of the Parliament of the 38 Hen. 6. were repealed and declared Null by a Parliament of the 39 of the same King merely because the members were unlawfully Summoned and unduly Chosen.

Yea one of the most fundamental Statutes which we have in *England*, namely that of *Westminster*, 3 Ed. 1. provides that all Elections shall be free and undisturbed, and that no man, per poyar des armes, ne per malice, ou manaces disturbe de faire franke Election; shall by arms, malice, or force, molest the freedom of any Election; and this sur la grove forfeiture. And as Cook well observes, this Statute extends to Elections to every dignity, Office or place that is Elective, and whosoever disturbeth the Freedom of any such Election, may be punished by grievous fines and imprisonment. Nor have our

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Ancestors been more Zealous in punishing any sort of offenders, than those that have interposed by power or fraud to hinder the free Election of Sheriffs and other Civil Officers. For besides that the imposing the Sheriffs upon the Cities and Counties contrary to Right and Custom, and for ill purposes and intents, was made one of the Articles against *Richard the 2d*, for which he was deposed; the Duke of *Suffolk* was in the 28 Hen. 6. impeach-

Rot. Par. 28 Hen. 6.
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ed in Parliament for causing divers persons to be made Sheriffs in order to the fulfilling his desires, and to enhance to himself Rule in the Realm. And among many other instances and examples of the punishment of those that have invaded the Franchises and Privileges of Corporations in obtruding Magistrates and Officers upon them, contrary to the vote and choice of the Majority to whom the making and performing those respective Elections did belong; we have a most remarkable Case in the 4th of *Richard the 2d*, wherein upon the Petition of the Commons in Parliament assembled to the King, signifying that whereas the Citizens of *York* had according to their Franchises and Customes chosen one *John Gisburgh* to be their Mayor, some of the then present Magistrates in combination with a few Citizens had put him by, and chosen one *Simon Quixlay* in his Room; it was thereupon enacted by the King with the assent of the Lords and Commons, that a Commission should be issued out to inquire into that horrible Fact, and that not only *Gisburgh* who was Elected Mayor by the Majority of the Free-men, should be restored to his Office, but that *Quixlay* who by usurping the Office of Mayor without due Election had accroacht to himself Royal Power, should with twenty four more of the most notorious Malefactors be taken into custody without Bail or mainprise till the Commission of Inquire was returned.

And as the Lord Mayor of *London* hath no Power or Authority either by Prescription or Charter to impose a Sheriff upon the Citizens; so neither can the Free-men convey any such Right or Power unto him; Seeing tho they can make by-Laws in consistency with their Charter, yet they can make no law whereby both their Charter and divers Acts of Parliament shall be cancell'd and repealed. And as the bestowing upon the Commons of *London* a power and Right to chuse their own Sheriffs was in order to the better Preservation and Security of their Lives, Estates, and Commerce; so to imagine that they would transfer this Right to the Mayor, is to make them surrender all that is dear unto them, into the hands of one who may be a knave or a fool, and either from his own inclination, and in pursuance of his own ends, or being either menaced or wheedled by others, be influenced to betray and destroy them.

And as my Lord Mayor hath no Jurisdiction over the Common-Hall, being there only as a Conciliator or fellow Citizen, so it being in their power to impeach and punish him, precludes all his pretences of being Judge over all that Assembly. For tho the Common-Hall be not properly a Court

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as the Citizens do there meet to chuse Magistrates, yet *Manwood* says it is a Court to punish the Mayor and Aldermen when they stand against the duty of their places; which as it plainly declares him to be no Judge there, nor to have any Judicial Authority over that Convention, so we may likewise collect from thence that he hath no power to adjourn the Hall. For there is nothing more unreasonable and ridiculous, than for the Common-Hall to have a power to call the Mayor to account for acting contrary to his Trust and Oath, and yet at the same time to leave him a power to adjourn or dissolve the Assembly when he pleaseth.

Nay, the acknowledging such a Prerogative to belong to the Mayor, were to put him into a capacity of preventing not only the Elections of all City Officers, the choice whereof lies in that Assembly; but even of Parliament men, unless he be gratified and humoured in the persons to be Elected.

Yea the submitting to such a claim as this, were to vest such a Right in my Lord Mayor as would threaten and in due come to destroy the whole Government of the Kingdom. For it is but to have a weak or an ill disposed man in the Chair, and it is in the power of any great person that will but care for or bribe him, to shake the Peace of the Nation, and advance what and whom he pleaseth, by virtue of this challenged Prerogative, seconded with the many legal Jurisdictions which appertain unto the Mayor as he bears the Sword.

And to fancy that my Lord can dissolve or adjourn the Hall without the consent of the Free men; merely because he is trusted to Summon and Convocate the Assembly, is to betray a great weakness of understanding, and to tell all the World, that they do labour under some defect in their reasoning Faculties. For as the convocating the Commons together is settled in the Mayor neither by Charter nor Prescription, but merely entrusted with him out of Complement and Respect; so it is not only certain that they anciently assembled without any Precept from my Lord Mayor, but that when the issuing out of Precepts for this purpose came first in use, the emitting them was sometimes referred to my Lord Mayor and the Aldermen, and at other times to his Lordship and the Sheriffs. Nay, notwithstanding this care that is devolved upon him of Summoning the Free-men together, yet in case he should fail in convocating them at due times and seasons, and for the necessary affairs and occasions of the Corporation, they may come together of their own accord; and according to Law, Charter, and their duty, they ought to do so. And as whatsoever his Lordship doth in this way is merely official, so being enjoyed by the Mayor through the mere grant and concession of the Citizens, they may not only reassume it when they please, and place it elsewhere, but even in the interim his Lordship can challenge no more than what in consistency with their own Rights, and merely in subserviency to Method and Order they have granted and convey'd unto him.

Nor were it more absurd for the Court of *Kings-Bench* to dismiss a Jury in the midst of a Trial without the consent of the Plaintiff and Defendant, than for any, even upon the supposal that they had some Jurisdiction and Authority in and over the *Common-Hall*, to dismiss the Free-men before they had transacted and performed what they met about. And if the Judges in our *Westminster-Courts* would not be so silly, as to hope the escaping of Punishment, should they do such an Illegal, Arbitrary and Pernicious Act as that; so I know not by what Priviledg my Lord Mayor thinks to come off, for assuming both a Power to Adjourn the Hall, over which he hath no Jurisdiction, and to do it when they were in the midst of their business. And if the Parliament impeached my Lord Chief Justice *Scroggs* for dismissing the Grand Jury before they had made their Presentments; it is not to be doubted but that a Parliament will call Sir *John Moor* the present Lord Mayor to an account, both for disturbing the Freedom of an Election, and Usurping unto himself the Power of Adjourning the Assembly without their Consent, before they had perfected the business they were congregated about, and were legally proceeding in.

But I suppose his Lordship hath not well considered what punishments have overtaken some of his Predecessors, for acting contrary to Law and the Duties of their place; and therefore besides the recalling to his Memory what befel Sir *Samuel Sterling* for denying the Poll, and dissolving the *Common-Hall*; I shall recount unto him the unhappy and miserable fate of Sir *Edward Bromfield*, who was chosen into the Chair on *Michaelmas* day 1636. This poor and unfortunate Gentleman, was upon the Opinion and Authority of the Judges concerning the Legality of the *Ship-money*, and upon the assurance of the late Kings Royal Word to indemnify him, and upon the Warranty of an Act of Common-Council to save him harmless, and that all Suits which should be brought against him, or his Officers, in the Execution of the Writs for the Levying that money, should be defended at the City Charge; I say he was by these means prevailed upon to put the said Writ in Execution, and to levy money by way of Distress upon many of his fellow Citizens. Now it is worth my Lord Mayors serious consideration how things at last issued with him, notwithstanding all this precaution in himself, and assurance of Protection and indemnity from others. For there being an Action of Trespass and false Imprisonment brought against him in the *Kings-Bench* in *Trinity Term*, 14 Car. 1638. There was, notwithstanding his Pleading the Kings Writ, and the Opinion of the Judges, a Judgment given against him on the 4th. of *February*, 16 Car. by those very Judges that had formerly given their Opinion concerning the legality of the *Ship-money*. Yea, which he thought to have relieved himself by a Writ of Error in the *Exchequer Chamber*, the poor Gentleman after a long and costly Suit, had the former Judgment affirmed against him, 17 Feb. Car. and that by the unanimous Opinion of all the Judges, notwithstanding these very men had the 4th of Aug. 11 Car. declared that the King might according to Law issue forth such a Writ, and levy money upon it. And when on his being Calf and Condemned in one Action, a Deluge of Suits flow'd in upon him, so that not a Term pass'd without Process, Outlawries Executions or Extents against him, he was at last, after long concealment in his own House, and wandering obscurely for some time up and down the Country, apprehended and thrown into the *Kings-Bench*, where he continued Prisoner 15 years, and died under Executions against him to the value of above 40 000 l. Nor had he in all this time any Succour either from the King or his Ministers, but Pity, which is a poor relief to the miserable. And as all this befell him for venturing to Act where the Law would not justify him, so it may caution others against doing things more palpably Illegal, and which they have not an Act of Common Council, and the Opinion of all the Judges to support them in, as he had.

But doth the present Lord Mayor think what prejudice he does his Majesty, by his late Carriage and Behaviour? all he did in opposition to his Father, when he carried a Musket against him, and was Clerk to a Company that fought under his Enemies Banners, was much more pardonable, than the being so Instrumental as he is, to make the King lose the love and confidence of five parts in six of the whole City. Can his Lordship believe that he hath done as becomes a Loyal Person to his Prince, to engage the King in a visible Contest with a Loyal, as well as a great People, in a point that they will not part with, and which his Majesty cannot wrest from them, without declining from the course of the Law, which both his Justice and his Oath oblige him against?

Nor can my Lord be unsensible, unless he hears only on one Ear, how much he hath lessen'd that Party which they call their own, by the Methods which he hath been pursuing, and his unexpected, as well as unaccountable Carriage in the late *Halls*. Alas! though there be some that mortally hate

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Phanaticks; yet there are none but distracted men who are fond of parting with their Priviledges and Rights, and of putting their Lives and Fortunes in the power of him that sits in the Chair. For as they know not what kind of Mayor they may have the next year; so they would not expose themselves and Children to be ruined hereafter, merely for having the pleasure of doing some whom they do not heartily love, a discourteise at present.

But if we look a little into matter of Fact, we shall both have a view of some mens extravagancy, and understand, in subserviency to what mischievous ends all this is infilted upon, and so violently prosecuted. For after some of the Ministers had met at my Lord Mayors, and obtained a promise from him to drink to *North*, as Sheriff, it is observable that the next morning Mr *North*, and his Brother the Lord Chief Justice went to *Windsor* in a Coach with Six Horses. And tho we dare not undertake to tell what they did there, yet we are well assured that upon the performance of that promise, they reckoned themselves to secure of this Gentleman lately come from *Turkey* for Sheriff, that my Lord Mayor both contrary to Custom and an Act of Common-council 7 Car. 1. sent for Mr. *Worth*, and made him seal a Bond to hold Sheriff for the year ensuing. And being thus far dipr, my Lord was pleased in prosecution of this design to issue out Precepts of a nature and strain perfectly different from the frame and terms of all former Precepts. Nay, when the proceedings on *Midsummer-day* were carrying on in a legal and orderly way, and all things likely to have been issued peaceably and according to custom, my Lord Mayor was pleased to come attended with a company of men, whereof many were not Free-men, many had Swords, and divers were known *Papists*, to give interruption to the Poll. Nor need we wonder if after such an action several persons were tworn guilty of a Riot, tho as some of those deposed against, were at that time out of Town, and others confined all the day to be at home by reason of their business, so the most that any were guilty of, was their receiving manifold affronts with Patience, and not vouchsafing to make a Riot for the service and conveniency of our Ministers, who had gotten all His Majesties Forces drawn about the City, and most of them ready upon a Minutes warning for Service and Execution. To this we may adjoin his Lordships carriage on *Friday* last, when after a long uncertainty what to do, he was pleased at last to consent to have the matter argued by Council; and because the *Laws of Courts* could afford no other, my Lord pitched upon Mr. *Saunders*, and Sir *George Jeffries*, whereof the one hath been turned out of employment by the City, and censured by Parliament, and both of them against the Charter, and in Council for the destroying of it. Nay, when not only Mr. *Pollaxfen*, Mr. *Williams*, but the Recorder whom the Mayor is bound to hearken unto, had given it against his Lordships claim and pretence, and offered to set their Hands to it as Law; yet upon receiving a Letter from a certain Minister, his Lordship came down and dismissed the Court.

But the whole Mystery is easily unriddled; for not only my Lord *H.* hath declared, That he foresees there will be Hanging, and he is resolved to Hang fast; but Mr. *Duncomb* and one more told some worthy Citizens that they wonder'd why they would take all that pains, seeing they were in no danger, their only design by obtaining Sheriffs according to their mind, being to Hang 9 or 10 persons that are uneasy to some in Power.

Thus we have once more accosted you, and chuse to be the briefer, because you all know whereabouts you are; only this I will take the boldness to intimate to you, That besides the manifold actions which you may have against the Mayor, you may either Indict him upon the Statute of *Westminster*, or complain for breaking his Oath both as a Free-man and a Magistrate.

And whereas Mr. Town-Clerk runs up and down thinking himself injured in a former paper, I shall only tell him, that besides his being in company where confusion was drunk to the Charter, he instructed the Council against it all he could to the overthrow thereof. Nay I may add, that for all his late penitence, it was he that Originally led my Lord Mayor into these mistakes which are like to prove his overthrow. And if this do not teach him to be silent, I can assure him that there is that in Articles against him, whensoever a Parliament comes, that will reach farther than the forfeiture of his Place.